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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

MIKE GLEASON, Chairman  
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2007 JUN 18 P 4: 11

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JUN 15 2007

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IN THE MATTER OF THE  
APPLICATION OF UNION PACIFIC  
RAILROAD TO ALTER A CROSSING  
OF THE UNION PACIFIC RAILROAD  
AT CENTRAL AVENUE IN BOWIE,  
ARIZONA, AAR/DOT NO. 741 403J,  
BY ADDING A SECOND MAINLINE  
TRACK

DOCKET NO. RR-03639A-07-0347

UNION PACIFIC RAILROAD  
COMPANY'S NOTICE OF FILING  
JUNE 14, 2007 LETTER TO ALL  
COMMISSIONERS, WITH REVISED  
TIMELINE, EXHIBIT 1, ATTACHED  
THERE TO

Applicant Union Pacific Railroad Company ("Union Pacific"), whose post office address is 1255 South Campbell Avenue, Tucson, Arizona 85713, by and through its attorneys Beaugureau, Zukowski & Hancock, P.C., hereby files its June 14, 2007 letter to all Commissioners, signed by Tom Ogee, along with a revised timeline attached to the June 14, 2007 letter as Exhibit 1. The purpose of the June 14, 2007 letter and revised timeline filed herewith is to provide additional information and clarification to Mr. Ogee's letter to all Commissioners dated May 31, 2007.

RESPECTFULLY SUBMITTED this 18<sup>th</sup> day of June, 2007.

BEAUGUREAU, ZUKOWSKI  
& HANCOCK, P.C.

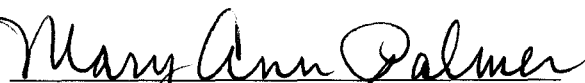
By: *Terrance L. Sims*  
Anthony J. Hancock  
Terrance L. Sims  
2111 E. Highland Avenue, #255  
Phoenix, Arizona 85016  
Attorneys for Applicant Union  
Pacific Railroad Company

1 ORIGINAL AND THIRTEEN COPIES  
2 of the foregoing filed this 18<sup>th</sup> day of  
3 June, 2007, with:

4 Arizona Corporation Commission  
5 1200 West Washington Street  
6 Phoenix, Arizona 85007

7 COPY of the foregoing mailed this  
8 18<sup>th</sup> day of June, 2007, to:

9 Charles H. Hains, Esq.  
10 Attorney, Legal Division  
11 Arizona Corporation Commission  
12 1200 West Washington Street  
13 Phoenix, Arizona 85007

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15 Mary Ann Palmer  
16 Mary Ann Palmer  
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June 14, 2007

Mr. Mike Gleason, Chairman  
Mr. William A. Mundell, Commissioner  
Mr. Jeff Hatch-Miller, Commissioner  
Ms. Kristin K. Mayes, Commissioner  
Mr. Gary Pierce, Commissioner  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

**SUBJECT:    *Additional information Concerning Alteration of Bowie Crossing by  
Installation of a Second Mainline Track***

Dear Chairman Gleason and Commissioners:

This purpose of this letter is to provide additional information and clarification to the letter addressed to you dated May 31, 2007 concerning Union Pacific's mistaken construction through the crossing at Central Avenue in Bowie, Arizona without application to the Commission. Most of this information was previously provided by electronic mail to Messrs. Raber and Lehman last Wednesday, June 6, 2007. They are being provided copies of this letter as well so that they will know of two additional modifications.

On page two of the May 31 letter, Union Pacific indicated a closure permit was obtained from Cochise County on May 11 by our contractor to close Central Avenue temporarily so that the second track could be installed through the crossing. However, Exhibit 1, the initial timeline attached to the May 31 letter, indicates "UP personnel contacted County Sheriff's Department, Bowie Fire Department and Emergency Services (Willcox) about the closure of Central Ave. on May 13<sup>th</sup>." In fact, as shown by the revised timeline submitted herewith, Union Pacific verbally requested information about the steps necessary to close the crossing on May 12<sup>th</sup>, received verbal permission to close the crossing on May 14<sup>th</sup>, and did not close the crossing through written permit.

On May 12<sup>th</sup> at approximately 3:00 p.m. local time, Juan Olmos, system track foreman and a Union Pacific employee, contacted Mark Deny at Cochise County (520-432-9500) to inquire about the steps necessary to close the crossing to perform the track work. Mr. Deny informed Mr. Olmos that he needed to contact the Cochise County Sheriff 911 Dispatcher (520-432-9501) in Willcox about the planned closure. Mr. Deny indicated that the Sheriff Dispatcher would contact other emergency services.

On May 13<sup>th</sup>, closure of Central Avenue was delayed due to problems switching the TLM (track laying machine) and the concrete tie cars. On May 14<sup>th</sup>, Mr. Olmos contacted the 911 Dispatcher (name unknown), as previously instructed by Mr. Deny, to advise that Union Pacific was ready to close the Central Ave. crossing that morning. Mr. Olmos then contacted the acting Fire Chief at Bowie whose name is believed to be Florina Charistiernsson. This is a change from the May 31<sup>st</sup> letter and the emailed information provided June 6<sup>th</sup> to Messrs. Raber and Lehman, in which Union Pacific incorrectly stated that Mr. Olmos contacted the acting Fire Chief at Willcox rather than Bowie. The timeline attached hereto also now reflects this correction.

By the time Mr. Olmos called Ms. Charistiernsson, the 911 Dispatcher had already called her. Ms. Charistiernsson and Mr. Olmos held a pre-job briefing by phone to discuss plans for a detour to a public crossing approximately nine miles east during construction, plans to construct a temporary crossing at or near Central Avenue in the event of an emergency, and staging of a fire truck north of the crossing during the closure. As part of these arrangements, a front end loader was made available at Central Avenue during the closure for the purpose of placing fill material over the tracks in the event there was an emergency. The crossing was closed at approximately 08:15 hrs. and was reopened at approximately 14:30 hrs.

A temporary crossing 0.6 miles east of Central Avenue had been used several months earlier when the crossing was briefly closed while grading was completed adjacent to the roadway. The length of the TLM operation would make a temporary crossing 0.6 miles from the location of the crossing impractical and difficult to cross. The plan agreed to by Ms. Florina and Mr. Olmos for emergency crossing at Central Avenue ensured that emergency responders could provide service to individuals on the north side of the tracks if necessary.

Union Pacific hopes the additional information contained herein will assist the Commission as it considers this matter. In addition, Union Pacific has considered the suggestions of Messrs. Lehman and Raber and believes those suggestions would help increase communication between Union Pacific and the Commission's Rail Safety Staff with respect to construction of the double-track project. Thus, Union Pacific, through its Manager Public Projects, currently Jim Smith, will update the Rail Safety Staff after Union Pacific's internal monthly conference calls concerning what is planned for the up-coming month for signal and track construction. This update will either be by e-mail to, or a scheduled telephone call with, Mr. Lehman, and will include the following information:

- Construction is on-going between railroad milepost (MP.....and MP.....)
- Projected dates when construction will begin and end in that area.
- Name of control point affected by construction.
- A starting and completion date for construction at grade crossings, when crossings are affected.
- Status, in writing, of governmental requirements for each crossing, in a format to be jointly agreed upon by Rail Safety Staff and Union Pacific. (This last point was added after the June 6<sup>th</sup> e-mail to Messrs. Raber and Lehman, and after further discussion with Mr. Raber.)

Thank you for your consideration of this additional information. If the Commissioners or Staff have any additional questions, Union Pacific will do its best to respond to them.

Yours truly,

A handwritten signature in cursive script, reading "Thomas J. Ogee".

Tom Ogee

Enclosure

CC: Mr. David Raber, ACC, 1200 West Washington St., Phoenix, AZ 85007  
Mr. Brian Lehman, ACC, 1200 West Washington St., Phoenix, AZ 85007

## **EXHIBIT 1 - TIMELINE**

The train that had the ties which we laid though the Bowie crossing was the WAOBOT-11. The following is the timeline for laying ties with the Track Laying Machine (TLM):

**April 13:** WAOBOT-11 arrived at Bowie, with concrete ties. Train was parked & not worked due to gangs involved in switch installation and prep work for Track Renewal machine in New Mexico.

**April 17:** Track Laying Machine laid 2636 ties which tied in to switches at Karro Control Point (CP). No more ties were laid off train and TLM was not used again until May 10<sup>th</sup> due to cancellations of curfews to install switches at Bowie CP. The Bowie CP is located west of Bowie approximately one mile. At this point the TLM had not moved to the Bowie universal crossover to begin laying ties east.

**May 08:** Switches for Bowie CP installed. These switches would be used to lay concrete ties through Bowie towards a transition where construction of the new main line changes for the south side to north side. **(This is the first date UP was positioned in terms of crew and supplies to build through the Bowie crossing. The supervisor on this date made the decision to start building toward the Bowie crossing, which would have included building across that crossing.)**

**May 09:** Wood tie panel built off East switch at Bowie CP to allow TLM to begin laying ties east.

**May 10:** Tie train (WAOBOT-11) & TLM switched & prepped for laying ties east of Bowie CP.

**May 11:** TLM laid 800 ties from MP 1096.75 to MP 1097.05.

**May 12:** TLM laid 1699 ties to MP 1097.80 (laid thru 2-#11 switches for set out track). At approximately 3pm local time, Juan Olmos, system track foreman and a Union Pacific employee, contacted Mark Deny (sp?) at Cochise County (520-432-9500) to inquire about the steps necessary to close the crossing to perform the track work on May 13. Mr. Deny informed Mr. Olmos that Mr. Deny would notify the Cochise County Sheriff 911 Dispatcher (520-432-9501) in Willcox about the planned closure. Mr. Deny indicated that the Sheriff Dispatcher would contact other emergency services.

**May 13:** TLM laid 1082 ties to MP 1098.30, just short of Central Avenue crossing which is at MP 1098.5. We had problems switching the TLM and concrete tie cars, so closure of Central Ave. was delayed one day.

**May 14:** Juan Olmos contacted the Sheriff's 911 Dispatcher, name not known, to advise that Union Pacific was ready to close the Central Ave. crossing that morning. Mr. Olmos then contacted the acting Fire Chief at Bowie, whose last name is believed to be Florina (sp?). By the time Mr. Olmos called Ms. Florina, the 911 Dispatcher had already called

her. Ms. Florina and Mr. Olmos held a pre-job briefing by phone to discuss plans for a detour to a public crossing approximately nine miles east during construction, plans to construct a temporary crossing at or near Central Avenue in the event of an emergency, and staging of a fire truck north of the crossing during the closure. As part of these arrangements, a front end loader was made available at Central Avenue during the closure for the purpose of placing fill material over the tracks in the event there was an emergency. Crossing was closed at approximately 08:15 hrs. TLM laid 1198 ties to MP 1098.75. Central Ave. crossing was reopened at approximately 14:30 hrs.

**May 15:** No ties laid with TLM.

**May 16:** TLM laid 845 ties to MP 1099.10. Train is empty at this point.

**May 17:** Tie train pulled from dead track and departed toward plant as WBOAOT-17.

**May 18:** Dave Orrell discovered sometime during the afternoon that Union Pacific had installed a second track without Commission approval. Placed derail west of crossing to prevent any railroad equipment from traveling on the new track across the crossing. Concrete panels installed across the crossing to leave it in best condition possible without actually completing the remaining work to be done at the crossing.